

SUMMARY OF LARGE QUANTITY GENERATOR (LQG) HAZARDOUS WASTE REQUIREMENTS

262.11 – Hazardous Waste Determination

- 262.11 Determine if "solid waste" is hazardous
- 262.40 Keep records of test results, analysis, or other determination for 3 years

262.34(a) - Container Storage Areas

- 262.34(a) Waste must not be accumulated over 90 days
- 262.34(a)(2) Containers must be marked clearly with the accumulation start date and be visible for inspection
- 262.34(a)(3) Containers must be marked clearly with the words "Hazardous Waste"
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173(a) Containers must be kept closed
- 265.173(b) Containers must be managed properly to prevent a rupture or leak
- 265.174 Container storage area must be inspected weekly
- 265.176 Containers of ignitable and reactive wastes must be located at least 50 feet from the facility's property line
- 265.177 Incompatible hazardous wastes must be segregated

262.34(c) - Satellite Accumulation Areas

- 262.34(c)(1) Quantity of waste must not exceed 55 gallons or 1 quart of acutely hazardous waste
- 262.34(c)(1) Accumulation area must be at or near the point of generation and under the control of the operator
- 265.171 Containers must be in good condition or transfer contents to a new container
- 265.172 Containers must be compatible with waste
- 265.173(a) Containers must be kept closed

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- 262.34(c)(1)(ii) Containers must be marked "Hazardous Waste" or with other words which identify the waste
- 262.34(c)(2) Containers must be marked with the date filled
- 262.34(c)(2) Containers must be moved from a satellite area to a storage area within 3 days

262.30–33 - Pre-Transport Requirements

- 262.30 Containers must meet DOT regulations under 49 CFR 173, 178, 179 for packaging before transport
- 262.31 Containers must meet DOT regulations under 49 CFR 172 for labeling before transport
- 262.32(a) Containers must meet DOT regulations under 49 CFR 172 for markings before transport
- 262.32(b) Containers of 119 gallons or less must meet DOT regulations under 49 CFR 172.304 before transport, which includes, in part, marking containers with generator's name and address and manifest number
- 262.33 Placard or offer the initial transporter the appropriate placards according to DOT regulations (49 CFR 172, Subpart F)

262.34(a)(4) - Personnel Training

- 262.16(a)(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 265.16.
- 265.16(a)(2) Training program must be directed by a person trained in hazardous waste management procedures
- 265.16(a)(3) Training program must be designed to ensure that facility personnel are able to respond effectively to emergencies
- 265.16(a)(3) Training program must include the following emergency response procedures and equipment:
 - 265.16(a)(3)(i) Procedures for using facility emergency and monitoring equipment
 - 265.16(a)(3)(ii) Key parameters for automatic waste feed cut-off systems
 - 265.16(a)(3)(iii) Procedures for utilizing communications or alarm systems
 - 265.16(a)(3)(iv) Response procedures for fires & explosions
 - 265.16(a)(3)(v) Ground water contamination response procedures
 - 265.16(a)(3)(vi) Shutdown procedures

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- 265.16(b) Personnel have to successfully complete training within 6 months of the date of their employment or assignment to a new position at the facility
- 265.16(b) Personnel shall not work unsupervised before training program is completed
- 265.16(c) Personnel must take part in an annual review of training
- 265.16(d) Facility must have the following written documentation:
 - 265.16(d)(1) Job title for each position and the name of the employee filling each job
 - 265.16(d)(2) A written job description
 - 265.16(d)(3) Description of the training given to personnel
 - 265.16(d)(4) Documentation of actual training
- 265.16(e) Training records must be kept on current personnel until closure of facility and on former personnel for at least 3 years from the date the employee last worked at the facility

262.34(a)(4) - Preparedness and Prevention (265, Subpart C)

- 265.31 Maintain and operate facility to minimize the possibility of a fire, explosion, or discharge
- 265.32 Facility must be equipped with the following:
 - 265.32(a) Communications or alarm system
 - 265.32(b) A telephone or device to summon emergency assistance
 - 265.32(c) Portable emergency equipment
 - 265.32(d) Adequate water supply
- 265.33 Test and maintain emergency equipment
- 265.34(a) Maintain access to communication or alarm system wherever hazardous waste is being handled
- 265.35 Maintain adequate aisle space (recommended minimum is 18 inches between drum rows)
- 265.37(a)(1) Familiarize police, fire departments, and emergency response teams with the layout of the facility, and hazardous wastes handled
- 265.37(a)(2) Agreement required designating primary emergency authority to a specific police and fire department where more than one police and fire departments are involved
- 265.37(a)(3) Agreements required with emergency response contractors and equipment supplier

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- 265.37(a)(4) Arrangements required to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries result from fires, explosions, or discharges at the facility
- 265.37(b) Document when authorities identified in (1) through (4) above declined to enter into such arrangements

265.50-56 - Contingency Plan and Emergency Procedures (265, Subpart D)

- 265.51(a) Written contingency plan required for facility
- 265.51(b) Implement the plan in an emergency
- 265.52(a) Plan must describe the response actions facility personnel and local authorities shall take
- 265.52(b) If the generator has a DPCC or SPCC Plan, it must be amended to incorporate hazardous waste management
- 265.52(c) Plan must describe arrangements agreed to by local authorities
- 265.52(d) Plan must list names, addresses, and phone numbers (office and home) of the facility's emergency coordinators
- 265.52(e) Plan must include a list, location, and capabilities of all emergency equipment
- 265.52(f) Plan must describe evacuation procedures, evacuation signal(s) and routes
- 265.53(a) Keep a copy of the plan at the facility
- 265.53(b) Submit the plan to local authorities
- 265.54 Revise the plan when:
- 265.54(a) Applicable regulations are revised
- 265.54(b) The plan fails
- 265.54(c) The facility changes, increasing the potential for fires, explosions, or releases, or changing the response necessary in an emergency
- 265.54(d) The emergency coordinator changes
- 265.54(e) The emergency equipment changes
- 265.55 Emergency coordinator must be available
- NJSA 58:10-23.11(e) Facility must report a discharge to the DEP hotline

262.20-23 - Manifest Requirements

Note: Regulatory references are N.J.A.C. 7:26G or 40 CFR unless otherwise noted

- 262.20(a) Prepare a manifest before transporting, or offering for transport, hazardous waste for offsite treatment, storage, or disposal. For EPA form 8700-22, the instructions included on the back of the manifest form must be followed, and for EPA form 8700-22A, the instructions included in the appendix to 262 must be followed. Additionally, Items A–K of the manifest shall be completed even if the instructions of an out-of-state manifest do not address the shaded portions.
- 6.1(c)3 Include the following information on the manifest:
- Generator's name (as notified to EPA), mailing address, site address, and phone #
 - Generator's EPA ID #
 - Transporter(s) name (as notified to EPA), phone #, and NJ registration #
 - Transporter(s) EPA ID #
 - TSDf's name (as notified to EPA), address and phone #
 - TSDf's EPA ID #
 - Proper USDOT (49 CFR Parts 171–177) description of waste
 - Container # and type, quantity, and unit
 - Special handling instructions, including DOT descriptions for NOS material & 2 major constituents, a 24-hour emergency # as per 49 CFR 172.201(d), and decal #.
 - Items A–K (shaded portions)
- 6.2 The proper waste code that accurately describes the shipment of hazardous waste, determined according to the waste "Hierarchy" at 6.2
- 262.20(b) Designate on the manifest one facility that is permitted to handle the waste described on the manifest
- 262.20(c) May also designate on the manifest one alternate facility that is permitted to handle the waste described on the manifest in the event an emergency prevents delivery of the waste to the primary designated facility
- 262.20(d) If the transporter is unable to deliver the hazardous waste to the designated facility or alternate facility, (or waste is rejected by the designated or alternate facility), designate another facility or instruct the transporter to return the waste (ref. 6.3)
- 262.21(a),(b) Use the manifest form supplied by the consignment State (State to which the shipment is manifested). If the consignment State does not supply the manifest, use the manifest supplied by the Department
- 262.23(a)(1) Sign the manifest certification by hand
- 262.23(a)(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest

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- 262.23(a)(3) Retain one copy of the manifest signed by the generator and the initial transporter, in accordance with 262.40
- 262.23(a)(3) Forward one copy of the manifest to the generator State and one copy to the consignment State
- 262.23(b) Give transporter the remaining copies of the manifest
- 262.23(c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), send 3 copies of the manifest dated and signed in accordance with this 262.23 to the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
- 262.23(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, send at least 3 copies of the manifest dated and signed in accordance with 262.23 to:
- 262.23(d)(1) The next non-rail transporter (if any); or
- 262.23(d)(2) The designated facility if transported solely by rail; or
- 262.23(d)(3) The last rail transporter to handle the waste in the United States if the waste is exported
- 262.23(e) For shipments of a hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility
- 262.23(f) If the designated facility is located in a state that does not mandate its facilities to send signed copies to the generator state and the consignment state, assure that the Department and consignment state receive copies of the manifest signed by the designated facility (ref. 6.1(c)7)

262.40-43 - Recordkeeping and Reporting Requirements

- 262.40(a) Retain a copy of each manifest signed in accordance with 262.23(a) for 3 years and a signed copy from the designated facility that received the waste. The signed copy must be retained on site for at least 3 years from the date the waste was accepted by the initial transporter
- 262.40(b) Keep a copy of each Biennial Report and Exception Report for a period of at least 3 years from the due date of the report
- 262.40(c) Keep records of any test results, waste analyses, or other determinations made in accordance with 262.11 for at least 3 years from the date that the waste was last sent to an on-site or off-site treatment, storage, and disposal facility (TSDF)
- 262.40(d) Periods of retention referred to in this section (262.40) are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner of the NJDEP or his or her designee

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262.41 Biennial Report

- 262.41(a) Prepare and submit a single copy of a Biennial Report to the Department by March 1 of each even-numbered year, if hazardous waste shipped off site to a TSDf within the United States. The Biennial Report must cover generator activities during the previous year and must include the following information:
- 262.41(a)(1) Generator's EPA ID #, name, and address
- 262.41(a)(2) Calendar year covered by the report
- 262.41(a)(3) EPA ID #, name and address for each off-site TSDf used by Generator during the year
- 262.41(a)(4) EPA ID # and name of each transporter used during the reporting year for shipments to TSDfs
- 262.41(a)(5) Description, EPA hazardous waste # (from 40 CFR Part 261, Subpart C or D), DOT hazard class, and quantity of each hazardous waste shipped off site for shipments to a TSDf (Information must be listed by EPA ID # of each off-site TSDf to which waste was shipped)
- 262.41(a)(6) Description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated
- 262.41(a)(7) Description of the changes in volume and toxicity of waste actually achieved during the year in comparison to the previous years
- 262.41(a)(8) The certification signed by the generator or authorized representative
- 262.41(b) Submit a Biennial Report in accordance with the provisions of 40 CFR Parts 270, 264, 265, and 266 for any hazardous waste the generator treats, stores, or disposes of on site

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262.42 Exception Reporting

262.42(a)(1) Contact the transporter and/or the designated facility to determine the status of the hazardous waste and contact the Department at 609-292-7081 to inform the Department of the situation when a copy of the manifest with the handwritten signature of the designated facility is not received within 35 days of the date the waste was accepted by the initial transporter

262.42(a)(2) Submit an Exception Report to the Department when a copy of the manifest with the handwritten signature of the designated facility is not received within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

262.42(a)(2)(i) A legible copy of the manifest for which the generator does not have confirmation of delivery

262.42(a)(2)(ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts

262.43 Additional Reporting

262.43 The Department, as deemed necessary under N.J.S.A. 13:1E-1 et seq., N.J.S.A. 13:1D-1 et seq., or any comparable provisions of NJ's statutes and implementing regulations, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified in 40 CFR Part 261.

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